

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
F. SCHUMACHER & CO.,

Plaintiff,

-against-

BARTH & DREYFUSS OF CALIFORNIA, INC.,

Defendant.
-----X

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/26/07

05 Civ. 2226 (RMB)(HBP)

ORDER

I. Background

On July 9, 2007, United States Magistrate Judge Henry B. Pitman, to whom the question of damages in this default proceeding had been referred, issued a Report and Recommendation ("Report"), recommending that F. Schumacher & Co. ("Plaintiff") be awarded damages against Barth & Dreyfuss of California, Inc. ("Defendant") "in the amount of \$208,852.85 plus costs as taxed by the Clerk of the Court." (Report at 16.)

The Report advises that "the parties shall have ten (10) days from the date of this [Report] to file written objections." (Report at 16.) As of the date of this Order, neither party has filed objections to the Report.

II. Standard of Review

In reviewing a magistrate judge's report and recommendation, the Court may adopt those sections of the report to which no objections have been made and which are not clearly erroneous. See Fed. R. Civ. P. 72(b); Grassia v. Scully, 892 F.2d 16, 19 (2d Cir. 1989); Santana v. United States, 476 F. Supp. 2d 300, 302 (S.D.N.Y. 2007). A district judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C); see Grassia, 892 F.2d at 19; Santana, 476 F. Supp. 2d at 302.

III. Analysis

The facts as set forth in the Report are incorporated herein by reference. The Court has conducted a review of the Report and applicable legal authorities, and concludes that the Report is not clearly erroneous and is supported by the law in all respects. See Pizzaro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991).

IV. Conclusion and Order

For the foregoing reasons, the Court adopts the Report in its entirety. The Clerk of the Court is respectfully requested to enter judgment for Plaintiff in the amount of \$208,852.85 plus costs. The Clerk is further directed to close this case.

Dated: New York, New York
July 26, 2007

Handwritten signature of Richard M. Berman in black ink.

RICHARD M. BERMAN, U.S.D.J.